# THE COURTS.

RESCUED FROM THE GALLOWS.

The Murder of John O'Hara by John Fitzgibbons-Arraignment of the Murderer in the Court of Oyer and Terminer-Plea of Guilty of Manslaughter in the First Degree Accepted - He is Remanded for Sentence.

### THOSE HARLEM FLATS.

Raising the Question of the Validity of Title-A Knotty Legal Question and Extended Research Among the Musty Grants of the Early Colonial Times-Important Decision by Judge Barbour, of the Superior Court,

### BUSINESS IN THE OTHER COURTS.

John B. Sipes, 150 Fulton street, was yesterday charged before Commissioner Osborn with sending through the mail advertisements and notices stating that he had on sale articles which the government allege are of a vulgar, obscene and indecent character. He was held in \$5,000 bail for examination. George E. Brinkerhoff was also brought before Commissioner Osborn and charged with a somewhat similar offence. The Commissioner held him for examination, and directed him to find bail

in the sum of \$5,000, Rudolph and August Seligman, who had been charged before Commissioner Betts with acts of alleged fraudulent bankruptcy, were yesterday discharged, the Commissioner holding that the evidence adduced for the prosecution failed to estab hish the accusation. The case has been undergoing investigation for several months.

The examination of Botts, Franklin and Andrews, who have been charged with sending through the be commenced to-day before Commissioner Osborn It is stated that Franklin is a person of some wealth. He has given bail for his appearance. It is understood that he was formerly in business as a barber, but he has latterly been turning his atsention to another class of business, in which the government alleges he has committed the offence now imputed to him.

It will be seen by reference to our law color that repeated and stringent efforts are now being de in the United States Courts to put in force the law at present in operation against the circula tion through the mails of obscene books and pic tures and obscene and vulgar articles. It is de plorable to state that an apparently respectable class of persons are engaged in this vile trade; but the authorities seem determined to stop, as far as they can, a traffic that is poisoning public morals and tends specially to corrupt the young and the

The Train de lunatico inqurendo case was again the principal entertainment of the Courts yesterday. The whole question might properly be re-ferred to a debating society of boys in the first which the Chief Justice of the Common Pleas and a jury of twelve men sit, evening after evening mental organization of the Court, with the excep tion of course of defendant's counsel, who are well paid to enact their part of the farce. The case stands adjourned till this afternoon, when the

Judge Barbour, of the Superior Court, rendered yesterday an important decision touching the question of title to the land known as the Harlem flats. In his opinion embodying the decision, which will be found elsewhere, the title is traced back to 1666, and there seems to be a question of grave doubt whether the parties claiming at present to own this land can show good title to it. Persons who have been turning their eyes wistfully in this direction with a view to purchase-and there is no question that the whole arm, low and marshy as it s now, will some of these days become very valuable-will find it to their interest to read carefully by's advice and make a note of it.

John Fitzgibbons, who in a most cruel and inhuman man, killed John O'Hara on last Christmas Eve, the weapon of murderous assault being a batchet. with one blow of which he cleft his skull, was arraigned yesterday for trial, before Judge Brady, in the Court of Oyer and Terminer. He was indicted for murder in the first degree, but through the strategy of his ingenious counsel, a plea was accepted of manslaughter in the first degree, thus saving, beyond question, his neck from the gallows.

His sentence was postponed till this morning.

The libel suit of George B. Davis vs. the New York Times, in which \$55,000 are claimed as damages, came to trial yesterday before Judge Freedman, of the Superior Court. When Davis was called to the witness stand to testify in his own behalf his testimony was objected to on the ground of his disqualification through having been conperjury. It was claimed that this disqualification was removed through his subsequent pardon by the President. Judge Freedman held that there must be a reversal of the previous judgment, and refused to permit him to testify. Upon this the prosecution was temporarily abaned, with the stipulation that the case should not be brought into court again unless a reversal of the judgment referred to was obtained.

Judge Larremore, of the Court of Common Pleas, is after delinquent jurors with a sharp stick; but out of 100 summoned to attend as jurors in his Court yesterday only fifteen put in an appearance. He ordered a fine of \$100 to be imposed upon each of the non-attending eighty-five. Among the victims ts Jay Gould, who will have a chance to enter among his items of accounts a genuine one to the credit of "legal expenses."

A case has been on trial for several days past before Judge Robinson, holding the equity branch occupy several days longer, growing out of the purchase of stock of the Dubuque and Sioux City Railroad. The amount in dispute is \$21,600. The evidence is contradictory as well as extended, and the interest in the issues involved is confined wholly to railroad men, bankers and stock brokers.

They must have a curious way of preparing in dictments in the District Attorney's office. A man was tried yesterday in the Court of Oyer and Ter miner, before Judge Brady, charged with stealing a case of weblien goods from a freight car. The proof showed that they were cotton goods, and or account of this variance the man is to be reindicted and tried over again.

# SAVED FROM THE SCAFFOLD.

The Christmas Eve Murder-Arreign ment of John Fitzgibbons for the Murder of John O'Hara—The Particulars of the Terrible Homicide—A Plea of Guilty of Manslaughter in the First Degree Accepted-Remanded for Septence.

Last Christmas Eve a murder of startling atrocity shocked the denizens of the Twenty-first ward, and when the excited populace bastened to the premises, 303 East Forty-sixth street, from ce proceeded cries of murder, a gory spectacle met their terror-stricken gaze. Lying upon the soor with outstreched limbs was the mutilated form of John O'Hars weltering in a pool of his own blood, his skull cieft with a hatchet, a ghastly wound upon his shoulder and his body blistered from the effects of boiling water poured on him, all the work of John Fitzgibbons, a demon, evidently, in human shape. The victim presented a writhing, agontzing, pitiful object, whose sufferings made the stoniest heart quail. The fiend Fitzgibbons was seized and conveyed to the Thirty-fifth street station house. The wounded man, in terrible pain, was carried to Beilevue Hospital, where, in heartrending agony, he survived but a short time. The evidence on the Coroner's inquest evolved that John Crimmins, O'Hara's brother-in-law, came to New York to spend the holidays with his sister. On the night of the fatal butchery Crimmins went into the room of Fitzgibbons and inquired for O'Hara. Fitzgibbons, whe was hostile to O'Hara, urged Crimmins to step inside, with which ofer Crimmins complied, and Fitzgibbons then at once barred the door. Fitzgibbons and Crimmins now got into a wordy wrangle relative to family matters, which quarrel attracted O'Hara's attention, and the latter came to the door and cried, "John, are you in there?" Crimmins answered from within, "Yes; for God's sake come and take me out." Fitzgibbons, hearing O'Hara's voice, stealthily hid himself behind the door, and as O'Hara entered the apartment he selzed a hatchet and hurled a berculean blow at O'Hara's head, throwing him wounded and speechless to the floor. The assassin continued the attack, and Crimmins attempting to interfere to save the life of his sister's husband, was panic-stricken by the exultant and gloating ejaculation of Fitzgibbons, "If you move I'll brain you." The case was brought before the Grand Jury and an indictment for murder in the first degree was found against Fitzgibbons, thus giving the heinous crime its proper title, the facts showing a more barrowing and terrible murder than Foster's or Nixon's. Knowing the characteristic energy and perseverance of Mr. William F. Howe, the benefit of the prisoner, and Mr. Howe, although cognizant that the cause which he was retained to defend presented all the formidable features of a most desperately bad ease, applied himself to the matter, and since Fitzgibbons' imprisonment has worked steadily in his behalf, and, as the result shows, with ancess, saving him from the gallo

at the Court of Oyer and Terminer, yesterday morning, Judge Brady on the bench, Fitzgibbons was placed at the bar and asked to plead to an indictment for murder in the first degree.

Assistant District Attorney Rollins recited the facts as given above, and then added that owing to certain facts in the case, he was inclined to accept a minor plea—that of manslaughter in the first degree.

a minor plea—that of mansiaughter in the arsi-degree.

Mr. Abe H. Hummel, who appeared for the pris-oner, stated that his senior counsel, Mr. Howe, was unwell, owing to his recent labors, and asked the Court to remand the accused for sentence until he could state his case to the Court.

Judge Brady replied that he had to take the Dis-trict Attorney's statement as his justification in accepting the plea, but he thought it was a case for severe punishment.

The prisoner then withdrew his plea of not guilty of murder in the first degree, and pleaded guilty to mansiaughter in the first degree, He was remanded for sentence.

## HARLEM FLATS.

The Title to these Lands-A Thorough Legal Examination of the Subject and Delving up the Earliest Grants and Charters-Important Decision by Judge Barbour.

An important decision as effecting the question of title to what are popularly designated as the "Harlem Flats," embracing, as is well known, an extended area of marsh land, originally entirely covered and still partially covered by water at high tide, boardering on the East River and extending from Ninety-fourth to 106th street and part of th way from the East River to the Third avenue, was given yesterday by Judge Barbour, of the Superior Court. About a year ago it appears that Thomas Crane entered into an agreement with James Sonneborn for the purchase of some sixteen lots of this land in the vicinity of Ninety-fourth street and Second avenue. He was to pay \$55,500 for the land, and paid \$1,500 on the signing of th

street and Second avenue. He was to pay \$55,500 for the land, and paid \$1,500 on the signing of the agreement, the balance to be paid pursuant to the regulations in the article of agreement. After matters had proceeded thus lar, the understanding being that a valid title in fee simple should be given for the premises, Mr. Crane thought it worth while to have a thorough search made into the title. This search was accordingly made, and the result as to title not being satisfactory, he refused to complete the purchase, upon which Mr. Sonneborn brought suit to compel him to do so. The matter came up before Judge Barbour, and, as stated above, he yesterday gave his decision, embodying the same in a lengthy written opinion, and which cannot fail to be of interest to purchasers of property on these flats.

THE OPINION.

After reciting the particulars of the contract and nature of the suit as described above, the opinion proceeds to state that upon the trial the plaintiff read in evidence a copy of a patent issued in May, 1666, by Richard Nicholls, "Governor under His Royal Highbuess James Duke of York, &c., of all his territoryes in America," and whereby the said Governor granted and confirmed to the "Freeholders and inhabitants of the town or village of New Harlem (without naming them), and to their heirs, successors and assigns the particular lots and estates then enjoyed and possessed by them respectively, all lying within certain bounds therein described, and also granted to the said freeholders and inhabitants, their heirs, survivors, &c., the privileges of a town, but immediately depending on this city (New York) as being within the lands within the lines' shall belong to the towne," and is lobored to the said freeholders and singular to be embraced within the lands within the lines' shall belong to the towne," and to hold all and singular estates that all the lands within the lines' shall belong to the towne," and to hold all and singular estates that all the lands within the lines' shall belong to the towne,"

to the said freeholders and inhabitants, their heirs, successors and assigns forever." The lands which are the subject of this action appear to be embraced within the above-mentoned boundaries, land covered by the description of the lands to be held by the freeholders. &c. But I am satisfied that the patent furnishes. No EVIDENCE OF ITLE to any lands therein described, except, possibly, which were then occupied and possessed by the freeholders and individually; for not only was there no direct grant of the other lands to any one, but it is impossible to determine whether the town or freeholders, it either, were intended to be made the grantees or owners, even if it could be held that a grant to an unincorporate town, or to a class of persons described merely as freeholders and not named, was good in law. Indeed, it is quite probable that some doubt in regard to the effect and operation of that patent arose in the minds of the parties interested. For in March, 1686, a patent was issued by Thomas Dongan, then Captain General and Governor of the province of New York, &c., which retted that Governor Nicholls had, by a patent bearing date the lith of October, 1666 (not May, 1666), "granted to Thomas D. Mavail, John Vervelin, Daniel Turner, Joost Allem and Kowland Waldron, as potentees for and on behalf of themselves and their associates the freeholders and inhabitants of New Hardwelling them, and solven and the strength of the day of the town of New Hardwelling them, and solven and the strength of the town of New Hardwelling them, and solven and the strength of the town of New Hardwelling them, and solven amount of the town of New Hardwelling them, and solven and the strength of the town of New Hardwelling them, and solven amount of the town of New Hardwelling them, and solven amount of the town of New Hardwelling them, and the freeholders and inhabitants of New Hardwelling them, and of the town of New Hardwelling them, and of the town of New Hardwelling them, and the freeholders and inhabitants of heavy the hinduce

## BUSINESS IN THE OTHER COURTS.

SUPERIOR COURT-TRIAL TERM-PART I. The Libel Suit of George B. Davis Against the New York Times.

Before Judge Freedman. the accusers of ex-Collector Bailey was George B. Davis. It was charged that in his sworn statement he perjured himself, and the charge being considered substantiated in the United States Court, where he was tried, he was convicted and sentenced to State Prison. Before the expiration of his term of imprisonment he was pardoned by of his term of imprisonment he was pardoned by President Grant. Meantime an article was published in the New York Times charging Davis, as alleged, in addition to perjury in the Bailey suit with having previously narrowly escaped conviction in England for Jelony, and with having been guilty of crame in Canada. On account of this alleged libel Mr. Davis brought suit against the paper, claiming \$55,000 as damages. The defence was the truthfulness of the alleged libelons statements. The case came up for trial gesterday, Mr. Hirsch appearing on behalf of Mr. Davis and John H. Choate for the New York Times.

of Mr. Davis and John H. Choate for the New Fork Times.

After the case had been opened by Mr. Hirsch he called Mr. Davis as a witness in his own behalf. To this Mr. Choate objected, insisting that Mr. Davis was disqualified from testifying through his conviction of a fetony in the United States Court, the crime as alleged being that of perjury in the proceedings instituted against ex-Collector Ediley.

Mr. Hirsch claimed that the pardon of Mr. Davis by the President removed the disqualification and pestored to him all his rights.

Mr. Choate urged that before such disqualifica-

tion could be removed it was essential to obtain, before a competent tribunal, a reversal of such

Judgment.

Judge Preedman decided that as the State statute prescribed that conviction for perjury should forever disqualify a person from being a witness in a court of justice until the judgment was reversed, the disability continued notwithstanding the Presidential pardon.

Mr. Hirsh proposed to witndraw a juror so as to allow a retiral of the case. To this Mr. Choate would not consent without the other side stipulating that they would not again bring the case into court unless a reversal of the judgment in question had been obtained. This was finally agreed to, the juror was withdrawn and the prosecution temporally abandoned.

#### SUFREME COURT-CHAMBERS. Decisions.

By Judge Barrett.
In the matter of the application of the Evangelical Lutheran church.—Order granted.
Merchants' National Bank of Little Rock vs.
Stillann et al.—Stay granted on condition.
The People, &c., Kaginosko vs. Green.—Motion for a peremptory mandamus denied without costs.
Martine vs. Lowenstein.—Motion denied with \$10 costs.

Martine vs. Lowenstein.—Motion denied with \$10 costs.

Stevenson vs. Allen et al.—Motion to strike out the entire answer as irrelevant denied. Motion to strike out all the answer, except the plan of payment, in the fourth folio, as irrelevant and redundant, granted; no costs.

Clark vs O'Brien.—Motion denied with \$10 costs.

McMullen vs. Green, Comptroller.—Motion for a mandamus denied, but without costs.

The People ex rel. Guidet vs. Green.—Motion denied with \$10 costs.

Brown vs. Hvde.—Memorandum for counsel.

nied with \$10 costs.

Brown vs. Hyde.—Memorandum for counsel.

Warren vs. The Northern Transportation Line.—

Motion granted with \$10 costs to abide event.

National Park Bank vs. Hagard.—Same.

African Methodist Episcopal Bethel Church vs.

Gambier.—Motion to vacate order of arrest granted.

By Judge Harden.

Willams vs. Irving.—Motion granted as stated in opinion.

#### SUPERIOR COURT-SPECIAL TERM. Decisions.

By Judge Sedgwick.
Tracy vs. Tracy.—Order appointing receiver.
Patten vs. Stell et al.—Order that judgment locket be cancelled.
Fury vs. Rogers et al.—Order granted.
Fairfax vs. New York Central and Hudson River lailread.—Same.

ailread.—Same.

Dorman vs. Dinscombe et al.—Order vacating orer of reference.

COURT OF COMMON PLEAS-TRIAL TERM-PART L Penalty of Bringing Suits without

Before Judge Larremore Mr. Henry C. Pratt, a lawyer, brought suit against Messrs. Bachrach & Co. to recover \$158 costs and advances alleged to have been made for them in a suit in which they were interested as plaintiffs, and in which a judgment was obtained. Pratt had some connection with the transaction out of which the suit in question grew the suit itself was begun without any authority from them, they having given the claim to a collector, who placed the matter in his hands; and, further, that the judgment was of no use, the parties being insolvent. The jury found for the defendants. It was shown by the latter that while Mr

COURT OF COMMON PLEAS-SPECIAL TERM. Decision. By Judge Lowe.

Woodruff vs. Camden and Amboy Railroad Com

#### MARINE COURT-PART I. What Constitutes a Material Alteration

Before-Judge Curtis.

Islin et al. vs. Davis.-George H. Randall gave note endorsed by defendant to one Mrs. Cartwright in payment of a board bill. It appears that after

In payment of a board bill. It appears that after the endorsement was made Randall inserted in the body of the note "Payable at the Fourth National Bank," without the knowledge or consent of the endorser.

Judge Curtis dismissed the complaint upon the ground that it was a material alteration in the note and vitiated the same; that it was not the case reported in 41 Barber, in which Judge Leonard drew the distinction that the authority to insert the place payable was implied from the word "at" being printed in the body of the note. In this case the word "at" was not printed in the body of the note.

Avaidance of a Lease.

Avoidance of a Lease. Julius Shuberth vs. Edward Mollenhauer .- This action was brought to recover the amount due for rent under a written contract of lease. The de fendant sought to avoid the lease by showing that fendant sought to avoid the lease by showing that he was induced to sign the same by the frandulent representation of plainting that the sum mentioned in his lease (\$2,280 per annum) was the amount paid by his predecessor; that in fact his predecessor only paid \$2,000; that after he discovered the fraud he demanded back the money paid in excess; but plaintiff refused to give it; that he paid the excess under protest, but did not abandon the premises. Judge Curtis directed a verdict for plaintiff on the ground that it was the duty of defendant to have abandoned and rescinded the contract as soon as he discovered the fraud; that he could not derive any benefit from the contract and seek to avoid its provisions. Furthermore, that defendant was in a position to know the real value of the premises. Verdict accordingly.

## MARINE COURT-PART 2.

Important to Bankers.

Before Judge Spaulding. Bank of North America vs. The Chemical National Bank .- This action was brought to recover the sum of \$500 under the following circumstances:-It appeared that the firm of Morgan & Allen, a depositor with the plaintiff, made, on the 10th of October, 1872, their promissory note for \$500, pay-able thirty days after date to the order of one George E. Cocke at the Bank of North America The note, endorsed by the payer, was left with the defendant for collection, who, at its maturity, presented it to the plaintiff for payment, whose teller certified it and charged it to the accoun of Morgan & Allen. On the return of the note to the defendant it was stamped "paid," and credited to the account of the payee. Neither the plaintiff nor any of its agents knew by whom the note was held or by whom or for whon t was presented until the day after it was pre sented for payment, when it had been returned by the Clearing House. Then the plaintiff learned for the first time that it was held by the defendant, who had received the money on it. On the succeeding day the plaintiff was severdrawn, and requested under a mistake; that the account of the maker with the plaintiff was overdrawn, and requested permission to erase the certification, and at the same time demanded a return of the money. The defendant refused. The amount, it was admitted, had not been paid to the drawey set.

Judge Spaulding, in rendering his decision, said substantially:—The question presented for my decision is: Can the plaintiff recover as for money paid under a mistake of fact. The point is raised that the Chemical Bank was not the proper party defendant; that it acted only as the agent in making the collection; that the owner, if any one, was liable. That point is not tenable, because there is no proof that the defendant disclosed its principal until after a demand for the return of the money was made. This point has been disclosed, and money paid to the agent for his principal under such circumstances that it may be recovered back from the latter, it may still be recovered from the agent, provided the has not paid it over nor altered his situation in relation to his principal, (La Farge vs. Kneeland 7 Cow., 455). This case refers, as an authority, to that of Bulier vs. Harrison (Cowp., 466), in which the agent had given credit to his principal and rendered him his account containing the credit. In Hearsey vs. Prun (7 Johns, 170), Spencer J. held that an action may be sustained against an agent who had received money to which the principal had no right, if the agent had notice not to pay it over to the principal. The demand of the plaintiff in this case for a return of the money and to be allowed to crase the certification was in effect, though not in terms, a notice not to pay the proceeds to the certification of commercial paper by banks has been passed upon in numerous cases—wellests vs. The sented for payment, when it had been returned the Clearing House. Then the plaintiff learned for the first time that it was held by the defendant

the case that may take it out of the general rule There is a class of cases in which banks that have There is a class of cases in which banks that have certified commercial paper by mistake have been held to their obligation. They are cases in which the Courts applied the principles of the law of estoppel. They were cases where the certified paper was negotiated to bona fide holders for value, and which caused holders to lose their rights against endorsers. There are no such elements of damage in this case. The case of the Irving Bank vs. Witherall (38 N. Y., 335) is the nearest in point that I have been able to find. My conclusion is that plantiff is entitled to recover the amount of the note, with interest from the 12th day of November, with costs and \$25 allowance.

# COURT OF GENERAL SESSIBNS.

A Panel of Decrepid and "Indisposed"

Before Recorder Hackett. His Honor the Recorder observed yesterday that summoning a large number of invalids to serve as purors. One hundred prors were summoned to serve in this Court and only thirty-two answered, and twenty-two of them had either heart disease, ruptures or spinal complaints, which unfitted them for service as jurors. The clerk was directed to fine the absentees \$250 each for neglecting to appear, in obedience to the subpena.

The first case disposed of by the jury was an in dictment for burgiary against Charles Reilly. The evidence showed that on the night of the 3d inst. evidence showed that on the night of the 3d inst.
he entered the club house of the William M. Tweed
Association, No. 105 East Broadway, by the coal
hole, and was discovered by an officer in his stockning feet. The accused proved that he was formerly employed there as a barkeeper and that his
character was good. He swore himself that he
was locked out of his ewn apartments and went
into the club room to sleep. A verdict of not
guilty was rendered.
Lawrence Casey was tried upon a charge
of robbery. It seemed from the teatimony adduced by the prosecution that on

i awrence Casey was tried upon a charge of robbery. It seemed from the testimony adduced by the prosecution that on the night of the 17th of March Lawrence Hollenback was assaulted and robbed of \$40 at a restaurant in Bleecker street by an alleged notorious thiel named Culley, allas Lockwood. The complainant said he was struck from behind by some person, when Lockwood struck him in front; that Casey, whom he saw conversing with Lockwood in the saloon, stood near him, but he could not swear that it was the defendant who did it, other persons being in the saloon. As there was not sufficient evidence against Casey the jury was instructed to acquit him.

"Johnny the Greek" at the Bar.

"Johnny the Greek" at the Bar. The Grand Jury brought in a number of indict nents for robbery, burglary and larceny, upon which the prisoners were arraigned. Among the

Grand Larcenies. Isabella Robinson pleaded guilty to stealing

ladies' clothing, valued at \$165, on the 4th inst. the property of Mary Ann Richardson. She was the property of Mary Ann Richardson. She was sent to the State Prison for three years.

John Watson, who on the 17th of March stole a watch and other jewelry, valued at \$43, owned by Margaret Murray, pleaded guilty to an attempt at grand larceny. The youth was sent to the Pententiary for two years and six months.

John Regan pleaded guilty to a similar grade of larceny, the charge being that on the 15th of this month he stole \$100 in money from Henry Horstmann. Two years and six months in the State Prison was the sentence.

Curious Phases of Criminal Life as Sec

in the Tombs Court Yesterday. Patrick Foley, of 11 Elm street, was arraigned yesterday morning for an assault committed on Thomas Scanion on Sunday night. The prisoner was in charge of Officers Gilroy and Doran, who had also suffered severely at the hands of Foley in endeavoring to arrest him. Officer Gilroy had three cuts across his forehead and Officer Doran exhibited the marks of a severe beating around his head. Foley, who is a man of herculean frame and desperate character, was held to answer at Special Sessions on the complaint of Thomas Phillips, who witnessed the affray. Thomas Scanion is at present lying in the Park Hospital with a

broken leg. THE FARO BANK OUTRAGE. Thomas Barclay, who was accused by Henry Mandelbaum of beating and robbing him, at 40

Mandelbaum of beating and robbing him, at 40 Bowery, on Wednesday night last, was arrested on the Bowery by Captain Kennedy and Detective Dolan, of the Sixth precinct. He was brought before Judge Hogan yesterday. The complainant was unable to appear, but the following statement in his own handwriting was received:—

Last Wednesday evening about five o'clock I went up with a man named Larry Weaver to 40 Bowery, up stairs. I played for a little while and lost some money, and paid for the checks. Afterwards I asked for some more checks, which were given to me, but found out during the time that I had been skinned, and then I relused to pay for the checks. As soon as I made a remark about skinning' and not paying for the checks, Tom Barclay and another man, whom I can identify at any time, got up from their seaks, dragged me into a back room, locked up from their seats, dragged me into a back room, locked the door, searched my pockets, took all the money away from me, amounting to about \$425, and knocked me down senseless. How ever I got home and by whom I was taken home I cannot tell. HENRY MANDELBAUM. Captain Kennedy also made a formal affidavit against the prisoner. The doctor in attendance on the wounded man stated that he would not be

against the prisoner. The doctor in attendance on the wounded man stated that he would not be able ty appear before Saturday. The prisoner was then neld in \$2,000 bail, pending examination, and was baied out by his brother James Barclay.

OUT ON A LARK.

On Sunday night Officer Kelley, of the Fourteenth precinct, noticed a very well dressed and good-looking young man pass up and down Houston street, near Crosby, evidently endeavoring to attract the attention of the young ladies who frequent that vicinity. So industrious was he in this regard that he managed to gather quite a crowd of females around him and stood for some time jeering and laughing on the corner of Crosby, surrounded by quite a large audience. Officer Kelly requested the gay young man to move on, but received a decided refusal to comply with his request and was told to mind his own business, if he did not want to get in trouble. Officer Kelly waxed wroth and arrested the young man. When he was brought to the station house and questioned by the Sergeant his demeanor very suddenly changed and he shook like an aspen leaf and the tears rolled down his manly cheeks. The young man sobbed violently and acted otherwise in a very strange manner. At last, in broken accents, the prisoner managed to tell the Sergeant that it was a woman and not a man he had in custody. She lived in Lexington avenue and had put on her brother's clothes for a lark. She said her name was Miss Julia Black. Officer Kelley escorted his prisoner before Judge Hogan yesterday morning. She was attired in the habiliments of her own sex and presented the appearance of a respectable young girl. The Judge held her on a charge of disorderly conduct and her triends were notified.

## COURT CALENDARS-THIS DAY.

SUPREME COURT—CIRCUIT TRIAL TERM—Part 1—
Adjourned until April 25. Part 2—Adjourned to
Friday, April 26.
SUPREME COURT—CHAMBERS—Held by Judge
SUPREME COURT—CHAMBERS—Held by Judge Adjourned until April 25. Part 2—Adjourned to Friday, April 25.

SUPREME COURT—URAMBERS—Held by Judge Fancher.—Nos. 60, 61, 82, 86, 87, 96, 96; 6, call 97.

SUPREME COURT—TRIAL TERM—Part 1—Held by Judge Freedman.—Nos. 2049, 339, 1521, 2125, 2127, 2128, 2005, 47, 1831, 1895, 2109, 2093, 1077, 1871, 2147, 2173, 543, 1275, 2077, 1895, 2099, 2133, 1783, Part 2—Held by Judge Curtis.—Nos. 1092, 1589, 1754, 1922, 1196, 1400, 390, 1206, 1672, 1696, 1858, 2046, 1614, 2410, 1486, 1594, 1622, 1624, 1626, 1800, 1880, 1902, 1988, 1992, 2032, 2056, 2054, 2058, 2060, 2062.

COURT OF COMMON PLEAS—TRIAL TERM—Part 1—Held by Judge S. F. Daly.—Nos. 3194, 1821, 1930, 290, 3210, 885, 1649, 1134, 2975, 1807, 866, 1649, 1797, 1599, 1838. Part 2—Held by Judge Larremore.—Nos. 1695, 92, 1804, 2085, 2107, 1584, 1627, 1631, 2060, 1912, 2141, 2142, 2143, 2144, 2145.

COURT OF COMMON PLEAS—EQUITY TERM—Held by Judge Robinson.—Nos. 9, 30, 52, 64, 14, 26, 54, 60, 61, 71, 24, 46.

MARINE COURT—Part 1—Held by Judge Curtis.—Nos. 1757, 1847, 1645, 1913, 1858, 1663, 1664, 1881, 1825, 1923, 1827, 800, 1809, 1987, 1989, 1981, 2924, 1827, 800, 1809, 1987, 1989, 1981, 2984, 1994, 1996, 1994, 1996, 1994, 1996, 1994, 1996, 1994, 1996, 1994, 1996, 1994, 1996, 1994, 1996, 1994, 2006, 20

## BROOKLYN COURTS.

UNITED STATES COMMISSIONERS' COURT. Alleged Theft from the Navy Yard.

Before Commissioner Winslow. A ship carpenter named W. C. Fowler wa arrested yesterday on the charge of stealing quantity of copper from the Navy Yard, where he was at work. He was taken before Commissioner The Special Tax.

Louis Mack, J. Mulligan and Clara Many wer charged with selling liquor and tobacco without paying the special tax required of them as dealers by the law. The cases were adjourned.

An Assignee's Suit.

Before Judge Pratt. George T. Hope, as assignee of the claims seeks

to recover from David M. Kæhler, a New York distiller, \$2,000, a balance alleged to be due for the building of an engine, by Porter & Allen, for defendant's distillery, foot of loth street.

The defence is, that the engine was not auch as was called for by agreement, and was not completed within the specified time. A counter claim for \$3,250 is made for the delay in bullding, the agreement being that \$25 a day were to be forfeited by Porter & Allen for any delay after the specified time. Case still on.

CITY COURT-TRIAL TERM. A Keeper's Claim.

Mrs. Mary White is sping the estate of Richard Adams, deceased, to recover \$7,125, which amount she afleges is due her for taking care of Mr. Adams she alleges is due her for taking care of Mr. Ausmswife, who was insane. Plaintiff says that her compensation was to be at the rate of \$125 per month,
and that she took care of Mrs. Adams from June,
1807, to March, 1872, at the husband's request. She
was not paid at the rate alleged to have been
agreed upon; hence the suit.

The defence is that the plaintiff was to be paid
\$25 a month, and that she had been already fullpaid. This is the second trial of the case, the jury
on the first trial having disagreed. Case on.

## COURT OF SESSIONS.

Thieves Sentenced. Before Judge Moore.

Cohen's clothing store, on Myrtle avenue, near Fulton street. He pleaded guilty, and was sentenced to the Penitentiary for two years and six months.

William Dredge, convicted of burglary in the third degree, was sentenced to the Penitentiary for four years and six months.

#### SURROGATE'S COURT. Patrick Murphy's Will.

Before Surrogate Veeder. Surrogate Veeder has decided to admit to pro-

bate the will of Patrick Murphy, brother of ex-Alderman Murphy, of the Sixth ward. The testator died on the 15th of October last and left all his estate, valued at about twenty thousand dolars, to his brother, the ex-Alderman. A brother, sister and nephew contested the will on the ground that the testator was of unsound mind when it was executed. The proceedings had been pending since November.

## MARRIAGES AND DEATHS.

Married.

Ball—Sheppard.—On Wednesday, April 16, 1873, by the Rev. Dr. McAlister. Charles R. Ball to Miss Josie Sheppard, both of New York.

Philadelphia Ledger please copy.
Brevoort—Bascom.—On Monday, April 14. at the residence of the bride's mother, Burlington, Iowa, by Rev. Dr. Salter, Professor James R. Brevoort and Miss Marie Louise Bascom, of New York.

CLARK—VAN BERGEN.—At Grace Church, Brooklyn Heights, on Thursday the 17th Inst., by the Reverend Doctor Paddock, Doctor Frederick E. CLARK, of Staten Island, to Miss Kate W., daughter of John P. Van Bergen, of Brooklyn.

Gre—Schenck.—On Wednesday. April 16, at Madison, N. J., by Rev. T. H. Landon, Charles B. Gee, of Liverpool, England, to Miss Josie Schenck, of Madison, N. J., by Rev. T. H. Landon. Charles B. Gee, of Liverpool papers please copy.

GEE, of Liverpool, England, to Miss Josie Schenck, of Madison, N. J.

Liverpool papers please copy.

Huerstel—Wilkens.—On Thursdry, April 17th, at Potts Memorial Church, Morrisania, by the Rev. Dr. Petts, Gustave Huerstel, to Julia Wilkens, both of Morrisania.

Kraus—Clausen.—On Thursdry, April 17, by the Rev. Mr. E. Rondthaler, George Kraus to Christine Clausen, both of Brooklyn.

La Boyteaux—McAuley.—At Jersey City, on Wednesdry, April 16, by the Rev. Spencer Rice, Anthony C. La Boyteaux to Miss Agnes McAuley, both of this city.

Le Bouthlier—Goodman.—At Cincinnati, on Thursdry, April 17, at the Church of the Advent, by the Rev. Mr. Tinsley, Mr. John Le Bouthlier, of New York, to Fanny, daughter of W. Augustus Goedman, Esq., and grand-daughter of the late Philip Grandin.

Lillie—Hamilton.—On Thursdry, April 3d, at the American Legation, Paris, by the Rev. John B. Morgan, Andrew D. Lillie, of New York, to Julia W. Hamilton, daughter of Leonard White, Esq., of Buffalo, New York.

Died.

Died.

Armstrong.—In New Haven, on Saturday, April 19, Captain James F. Armstrong, of the United States Navy, in the 56th year of his age.
Funeral from his late residence, 144 Temple street, New Haven, on Tuesday, 22d inst., at half-past eleven o'clock A. M.
Bradley.—In Brooklyn, on Sunday, April 20, 1873, Margaret, wife of Claudius Bradley, in the 52d year of her age.
The relatives and friends of the family and also those of her brother, Mr. Cornelius Dever, are respectfully invited to attend the funeral, on Tuesday morning, April 22, at half-past nine o'clock, from her late residence, 201 Myrtle avenue, Brooklyn, to the Church of our Lady of Mercy, Debevoles street, where a solemn requiem mass will be celebrated for the repose of her soul, and thence to the Cemetery of the Holy Cross for interment.
Buggein,—At Rutheorfrd Park, N. J., on Saturday, April 19, at the residence of her son, H. Buggein, Helena Buggein, widow of J. H. Buggein, in the 14th year of her age.
The relatives and friends are respectfully invited to attend her funeral, from the residence of her son, at Rutheriord Park, N. J., on Wednesday, April 23, at two o'clock P. M.
Carricapueu.—At havana, Cuba, on Tuesday, April 8, 1873, Mrs. Leontina A. Carricaburu, daughter of Mr. John Carricapuru, of said city, in the 30th year of her age.
Carroll.—On Sunday, April 20, James Carroll, native of Balleyrehen, parish of Lisnan, county Kerry, Ireland.
The relatives and friends are respectfully invited to attend the funeral, from his late residence, 415

s and friends are respectfully invit

CARROLL.—On Sunday, April 20, JAMES CARROLL, native of Balleyrehen, parish of Lisnan, county Kerry, Ireland.

The relatives and friends are respectfully invited to attend the funeral, from his late residence, 415 East Seventy-sixth street, be ween First avenue and avenue A, from thence to the St. Lawrence church, East Eighty-fourth street, on Tuesday, April 22, at ten o'clock A. M.

CLAUDE.—On Friday, April 18, CONSTANT CLAUDE, in the 50th year of his age.

The friends of the family are respectfully invited to attend the funeral, from his late residence, 345 Monroe street, Brooklyn, on Tuesday, April 22, at one P. M.

CLIFFORD.—On Sunday, April 20, at seven o'clock P. M., BLANCHE, beloved daughter of Robert H. and Fannie Clifford, aged 3 years, 7 months and 9 days. The relatives and friends of the family are respectfully invited to attend the funeral from the residence of her parents, 20 East Eighty-third street, between Madison and Fifth avenues, on Tuesday, April 22, at one o'clock P. M.

COFFMAN.—On Sunday, April 20, of pneumonia, CAROLINE COFFMAN, wife of William Coffman.

Relatives, friends, members of Menhattan Commandery, of Crescent Chapter, of Constitution Lodge and of Belta Chapter, No. 3, Order of the Eastern Star, are respectfully invited to attend the funeral, from the Church of St. John, the Evangelist, corner of Hammond street and Waverley place, this day (Tuesday), at two o'clock P. M.

CREECH.—In Jersey City, on Monday, April 21, 1873, John CREECH, in the 80th year of his age.

The relatives and friends of the family are respectfully invited to attend the funeral, from St. Matthew's Episcopal church, Sussex street, on Wednesday, April 23, at half-past three o'clock P. M.

DIERRES.—On Sunday, April 20, after a long illness of congestion of the lungs, Robert J., only son of Henry A. and Allena F. Dierkes, aged 15 months and 16 days.

Funeral will take place from his parents' residence, 134 West Thirty-first street, this day (Tuesday), 23d inst., at one o'clock P. M.

DIERRES.—On Sunday, April 20,

o'clock, from the residence of his parents, 69 avenue A.

To the Members of John Hancock Lodge, No.
70 F. and A. M.—Brethren—You are hereby respectfully requested to meet at Jefferson Hall, 69 avenue A, to-day, at one o'clock P. M., to attend the inneral of Eugene Frank, beloved son of Christian Frank, of this Lodge.

French.—On Sunday, April 20, Marietta, wife of Charles S. French, aged 39 years, 9 months and 11 days.

The relatives and friends of the family are invited to attend the inneral, this (Tuesday) afternoon, at two o'clock, from her late residence, 147 East Filtleth street, near Lexington avenue.

Gerke.—At Hoboken, Monday, April 21, 1873, Frederick D. Gerke, a native of Landesbergen, Hanover, Germany, aged 50 years, 7 months and 26 days.

The relatives and friends of the family are re-

days.

The relatives and friends of the family are respectfully invited to attend the funeral, on Thursday, April 24, at one o'clock P. M., from his late residence, 154 Meadow street, Hoboken, N. Y., to

day, April 29, at one o clock P. M., Iron ms late residence, 154 Meadow street, Hoboken. N. Y., to Hoboken cemetery.

Graham.—On Saturday, April 19, at her residence, 196 Bowery, Mary Jane, wife of Gilbert Graham.

The relatives and friends of the family are respectfully invited to attend the funeral, from Allen street Methodist Episcopal church, on Tuesday, the 22d instant, at two o'clock P. M.

GUERNSEY.—On Sunday morning. April 20, Melissa P., wife of Dr. Peter R. Guernsey.

The relatives and friends are respectfully invited to attend the funeral, on Wednesday, at one o'clock, from her late residence, 34 West Thirty-third street.

HERRICK.—On Sunday, April 20, Stephen D. HER Rick, in the 56th year of his age.

Relatives and friends are respectfully invited to attend the funeral, from his late residence, Spring Valley. Rockland county, N. Y., on Wednegday,

April 23, at one o'clock. Trains leave foot of Chambers street at naif-past nine A. M. (Northern Rail-road of New Jersey): return at three o'clock.

Hall.—At the residence of his parents, corner of Tenth and Willow streets, Hoboken, as six o'clock on Monday morning, April 21, Eawuzn James Hall, third child of William E. and Mary E. Hall. aged 2 years, 7 months and 12 days.

Funeral services will be held on Wednesday, 23d inst., at two o'clock P. M., at the above address.

Howland.—On Monday, April 21, William Will-Bur Howland, son of Joseph T. and L. Perry Howland, and grandson of the late W. W. Howland, aged 1 year, 8 months and 17 days.

Funeral on Thursday, 24th inst., at three o'clock P. M., frem 92 Clinton avenue, Newark, M. J. Friends are invited to attend. Interment in Mount Pleasant Cemetery.

New Bedford, Mass., papers please copy.

Johnston.—Monday. April 21, 1873, Edwin W. King, youngest son of Storrs L. and Laurs King, in the 25th year of his age.

Relatives and friends are respectfully invited to attend the funeral, from the Church of the New Jerusalem, Thirty-fifth street, between Lexington and Fourth avenues, on Tuesday next, 22d inst., at two o'clock P. M.

Albany and Troy papers please copy.

Landon.—On Sunday, April 29, of congestion ed the lungs, Dillion Streens Landon, M. D., in the 5ist year of his age.

The relatives and friends of the family are invited to attend the funeral, from his late residence, 105 Clark street, Brooklyn, the 23d instant, at two o'clock P. M.

Livingsrox.—On Saturday morning, April 19, at the residence of her father, John W. Hamoraley, Cartarane L., wife of John H. Livingston, of Clermont, Columbia ceunty, N. Y., in the 23d year of her sage.

The relatives and friends of the family are respectfully invited to attend the funeral from grace church, on Thesday morning, April 22, 22 nine o'clock.

Lockwood.—in Brooklyn, on Sunday, April 29, George W. Lockwood, aged 45 years, 5 months

O'clock.

LOCKWOOD.—In Brooklyn, on Sunday, April 20,
GROBGE W. LOCKWOOD, aged 45 years, 6 months

COGKWOOD.—In Stroklyn, on Sunday, april 20 (REORGE W. LOCKWOOD, aged 45 years, 6 months and 12 days.

The relatives and friends of the family are respectfully invited to attend the funeral, this day (Tuesday), at three o'clock, from 339 Seventeenth street, between Sixth and Seventh avenues, South Brooklyn.

MAPES.—At Westfield, N. J., on Sunday afternoon, 20th inst., FREDERICK NELSON, youngest son of Stephen S. and Margaret B. Mapes, aged 2 months and 27 days.

The funeral from the house of his parents, on Wednesday, 23d inst., at 12 o'clock. Relatives and friends are respectfully invited to attend. The 10-15 train from New York, by Central Railroad, will reach Westfield before the ceremony.

MAUGER.—On Sunday evening, April 20, ISABELLA CAMILLE, infant daughter of Victor E. and Marie A.

The 10:15 train from New York, by Central Rallroad, will reach Westfield before the ceremony.

MAUGER.—On Sunday evening, April 20, ISABBLLA
CAMILLE, infant daughter of Victor E. and Marie A.
Mauger, aged 9 months.

MITCHELL.—On Sunday, April 20, ROBERT
MITCHELL., Son of the late Charles S. and Emeline
Mitchell, aged 27 years.

Funeral services will be held at the residence of
Edward P. Moore, 368 West Thirty-second street,
this (Tuesday) morning, at eleven o'clock. Interment at Staten Island.

MULLANEY.—On Saturday, April 12, MICHAEL
MULLANEY, in the 26th year of his age.

Funeral will take place from his late residence,
No. 156 Avenue C, on Tuesday, April 22, at two
o'clock P. M.

MCCAY.—On Monday morning, April 21, CHARLER,
aged 3 years and 3 months, only son of Charles
MCCay of this city.

MCGUIRK.—On Sunday, April 20, JAMES MCGUIRK.
son of the late Andrew McGuirk, in the 33d year of
his age.

The relatives and triands of the family are re-

McCay of this city.

McGutrk.—On Sunday, April 20, James McGutrk. son of the late Andrew McGutrk, in the 32d year of his age.

The relatives and friends of the family are respectfully invited to attend the funeral, from his late residence, 318 Delancey street, on Tuesday morning, April 22, at eleven o'clock. The remains will be conveyed to the church of St. Rose of Lima, where a solemn high mass of requiem will be offered for the repose of his soul.

McKee.—On saturday, April 19, Anna M., wife of Thomas McKee, at Jefferson Valley. Westchester county.

Remains will be interred in Greenwood.

McManus.—On Monday, April 21, John McManus, in the 73d year of his age.

The relatives and friends of the family are respectfully invited to attend the funeral from his late residence, 237 Madison street, on Wednesday, the 23d inst., at ten o'clock. His remains will be conveyed to St. Theresa's church, corner Henryand Rutger streets, where a requiem mass will be celebrated for the repose of his soul, thence (athalf-past one) to Calvary Cemetery for interment.

Paine.—The members of Metropolitan Lodge, No. 33, I. O. O. F., are hereby notified to attend a special meeting, at the lodge room, odd Pellows Hall, on Wednesday morning, at nine o'clock, to attend the funeral of our late brother, James R. Paine. By order.—Robert Taylor, N. G. Pell.—Suddenly, at Roseville, N. J., on Saturday, April 19, Atlard Pell., late of the city of New York, aged 61 years.

Relatives and friends of the family are invited to attend the funeral, from his late residence, Third street, north of Orange street, Roseville, Newark, N. J., on Tuesday, April 12, at two o'clock P. M., without further notice.

Robinson.—Suddenly, and Pell., late of the city of New York, aged 61 years.

Robert of Newark, April 22, at two o'clock P. M., without further notice.

Robinson.—Suddenly, on Saturday, 10th inst., Miss Sarah A. Robinson, daughter of Mary A. and the late James Robinson.

Funeral services at her late residence, Roselle, N. J., on Wednesday. 23d inst., at h

Oettingen, Bavaria, aged 32 years, 3 months and 26 days.

Relatives and friends and members of the Hone, Mount Neboh Lodge, No. 257 F. and A. M., md Temple Emanuel, are respectfully invited to attnd the funeral, from her late residence, 394 West Twenty-seventh street, on Wednesday, April 23, 1873, at half-mast ten A. M.

1873, at hair-past ten A. M.
Miledgeville, Ga., papers please copy.
The members of Mount Neboh Lodge, No. 25 P.
and A. M., are respectfully invited to attend the
funeral of the wife of our brother Jacob Rosenfild,
from her late residence, 304 West Twenty-seventh
street. on Wednesday morning, at haif-past ten
o'clock.

ROGERS.—At Montville, N. J., on Sunday, April
20. Natural ROGERS.

Inneral of the wife of our to tother street. on Wednesday morning, at half-past ten o'clock.

ROGERS.—At Montville, N. J., on Sunday, pril 20, Nrcholas Bogers.

Relatives and friends are respectfully invited to attend the funeral, at the Reformed chrch, Pompton Plains, on Wednesday, 23d inst., a one P. M. Leave Cortlandt street, by Midland Rairead, Montclair branch, at nine A. M.

ROVCE, Saturday evening, April 19, Henny A.

Rovce, Saturday evening, April 21, 24 aford o'clock P. M.

SEARS.—At Rio de Janetro, on Sunday, March 16, 1873, of the yellow fever, Mr. Frenerick Skar, of this city, youngest son of Robert Scars, Es, in the 26th year of his sage.

SEDMANCE, 26d 41 years, 4 months and Taya.

The funeral will take place on Wednesday, 23d inst., rom the Mathodist Episcopal church, compstead, L. I., at two P. M. Train leaves South lighth street, Brooklyn, E. D., at 10 A. M., Fetthing, leaves Hempstead at 4:30.

SLOMAN.—On Monday morning, April 21, JOHN SLOMAN, in the 76th year of his age.

His friends, and those of his daughters, 2 respectfully invited to attend the funeral, fro his late residence, 64 West Thirty-sixth stree, on Wednesday morning, 23d inst., at half-pas nine o'clock.

SLOTE.—On Sunday, April 20, 1873, DANIEL LOTE, Jr., only child of Daniel and Sarah B. Slože, ted 18 months and 18 days.

The relatives and friends of the family are vited to attend the funeral, on Tuesday, April 22, ten A. M., from the residence of James J. Keo, 110 East Fifty-fifth street.

SMITH.—Departed this Hife on Sunday, April 22, ten A. M., from the residence of St. Mark's place,

Transfiguration, where a solemn mass requiem will be celebrated for the repose of his il at 9 A. M., sharp, on Tuesday morning, 22d st., and

Mil., sharp, on Tuesday morning, 22d st., and from thence, at 1 o'clock, to Calvary Cedery, for interment. His friends and the menrs of the Society of Saint Vinceut de Paul, Guidthe Holy Cross of Transfiguration, Transfigurati T. A. H. Society and Saint Anthony's T. A. B. Hety are requested to attend.

WERKES.—In Brooklyn, on SaturdaApril 12, SEAMAN WERKES, aged 55 years.
Relatives and friends of the family a respectfully invited to attend the funeral, fr his late residence, 162 Hoyt street, on Tuesday, instant at two o'clock.
Saratoga papers please capt,